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UNCLAS ZAGREB 001758

SIPDIS

STATE FOR DRL/IL (HARDPOLE)
LABOR FOR ILAB (FAULKNER)

E.O. 12958: N/A

TAGS: ELAB ETRD PHUM HR HR

SUBJECT: CROATIA: INPUT FOR CHILD LABOR REPORT

REF: STATE 193266

11. Croatia has a good record on preventing the worst forms of child labor. The Government has strengthened its legislative base and has made progress on implementation and enforcement. In preparing our response to reftel, post met with officials at the Ministry of Labor and Social Welfare and also sought input from representatives of human rights NGOs and labor organizations. We advised our interlocutors that they may submit their views to the USDOL directly (per reftel).

12. Below follows post's response to questions posed in reftel about Croatia's efforts to prevent the worst forms of child labor. Responses are keyed to questions and indicators posed in reftel instructions.

A - Does Croatia have adequate laws and regulations proscribing the worst forms of child labor?

Indicators:

-Has Croatia ratified ILO Convention 182 or taken concrete steps toward ratification?

Yes. The Croatian parliament adopted ILO Convention 182 on the worst forms of child labor on July 17, 2001; the convention went into force in Croatia on July 17, 2002.

-What laws and regulations have been promulgated on child labor, such as minimum age(s) for employment or hazardous forms of work? If there is a minimum age for employment, is that age consistent with the age for completing educational requirements?

Several laws and regulations have been promulgated on child labor, including the labor law, government regulations on minor employment (2002), Croatia's occupational safety act, the revised criminal code, family act, law on ombudsman for children (2003), defense act (2003), elementary education act, law on juvenile courts, Croatia's constitution and the national action plan for children. The minimum age for employment is 15. Children between the ages 15 and 18 may only work with written permission from a legal guardian. Education is free and compulsory through grade eight and generally completed by the age 14. According to the occupational safety and health act, children under age 18 are prohibited from working overtime, at night or under dangerous labor conditions.

-Do Croatia's laws and regulations define the worst forms of child labor or hazardous work as the ILO defines those terms?

If Croatia has ratified Convention 182, has it developed a list of occupations considered to be worst forms of child labor, as called for in article 4 of the convention?

There are no regulations in Croatia's legislation that expressly define what is considered "a worst form of child labor" but a series of laws and sub-acts regulate this issue. Pursuant to Croatia's labor law, the ministry of labor and social welfare passed regulations in 2002 restricting types of employment that cannot be performed by a minor, stipulates types of employment which can be performed by a minor only if his/her health condition meets specific requirements.

-Have there been any recent governmental or judicial initiatives to strengthen or enforce child labor legislation and regulations?

The government strengthened child labor legislation and regulations by adopting the following new regulations government the employment of minors and by passing a new law creating a national ombudsman for children (in effect since June 18, 2003). In order to ensure better implementation of the goals set under the national action program on children the cabinet has founded the national council for children -- a group of state and local institutions that promote general children's rights issues.

B) Does Croatia have adequate laws and regulations for the implementation and enforcement of proscriptions against the worst forms of child labor?

Indicators:

-What legal remedies are available to government agencies that enforce child labor laws and regulations (criminal penalties, civil fines, court orders)? -are these enforcement remedies adequate to punish and deter violations?

Article 228 of the labor law stipulates penalties and fines

against companies and individuals found in violation of the laws regulating the employment of minors under the age 15 that range from HRK 10,000 to 30,000 for companies, and from HRK 3,000 to 10,000 for individuals. Croatia's criminal code stipulates sanctions for a range of crimes violating human freedom, such as slavery, international prostitution, a procurement of minors for sexual purposes and so on with penalties ranging from three months to 10 years in prison. The occupational safety act stipulates that firms employing minors against the provisions of this law shall be fined HRK 10,000 to 40,000.

-Have these enforcement provisions been applied?

Yes. According to the ministry of interior, during the period January 1, 2000 - December 31, 2002, 76 cases of criminal acts against children that relate to the worst forms of child labor pursuant to the convention were detected and reported. 70 criminal acts had to do with child and minor abuse in pornography, four criminal acts related to slavery and the transport of slaves, two criminal acts of international prostitution.

From January 2002 - April 2003, labor inspectors found that five minors (all male), ages 16-17, illegally performing work under special circumstances. There were four persons in bakeries and one transporting timber from the forest. Labor inspectors ordered the employer to dismiss the minors and filed a complaint against the employer in misdemeanor court. Misdemeanor courts fined the employers HRK 10,000 (about USD 1600) in one and HRK 1,000 in the other case.

From January 2002 until April 2003, labor inspectors found 117 violations of the legal provisions (99 minors) in businesses of hospitality (catering), trade, industry and construction and the minors worked as waiters, salesmen, bakers and helper construction laborers. Out of 99 persons, 65 were female and 34 male. Employers were issued orders to refrain from employing minors for night work and inspectors filed requests for initiation of the legal proceedings against all employers that acted against the provisions of the law.

C) Has Croatia established formal institutional mechanisms to investigate and address complaints relating to the worst forms of child labor?

Indicators:

-Has the government designated an authority to implement and enforce child labor laws and regulations?

Yes. The State Inspectorate is the government agency empowered to conduct on site investigations and ensure implementation of employment regulations. Labor inspectors have the authority to issue orders to employers to either assign minors to different, appropriate jobs or dismiss them from work according to the labor law. Labor inspectors can file request with courts to initiate legal proceedings against employers they find to be in violation of law. The Ministry of Labor and Social Welfare has been designated as the national focal point for prevention of child abuse.

-What are the mechanisms for receiving, investigating and addressing child labor complaints? To what extent are complaints investigated and violations addressed?

The Ombudsman for children is responsible for coordinating, promoting and protecting rights of children. The Ombudsman monitors the implementation of all regulations related to children rights pursuant to the constitution, convention on children rights and other international documents related to rights of children. The office has the authority to propose measures to bodies of state government, local and regional self-government, legal and physical persons how to undertake measures to prevent violations. The Ombudsman can initiate regulatory changes to ensure protection of rights.

-What level of resources does the government devote to investigating exploitative child labor cases throughout Croatia?

According to the Ministry of Labor and Social Welfare, the GOC allocates funding from the state budget for projects aimed at protection of children from abuse and neglect, including projects which are carried out by NGOs and

individuals (hot line, shelters, advisories)

-How many child labor inspections and investigations have been conducted over the past year? How many have resulted in fines, penalties or convictions?

(see above)

-Has the government provided awareness raising and/or training activities for government officials charged with enforcing child labor laws?

The Ministry of Labor and Social Welfare conducts seminars and workshops to update employees and other inspectors on changes in legislation.

D) Have social programs been implemented to prevent the engagement of children in the worst forms of child labor, and to assist in removing children engaged in the worst forms of child labor?

Indicators:

-What initiatives has the government supported to prevent children from entering exploitative work situations, to withdraw children engaged in such labor, and to advocate on behalf of children involved in such employment and their families?

The national program for demographic development and the national employment policy deal both directly or indirectly with issues of child protection.

-Does the government support programs to promote children's access to primary schooling and to enhance the quality and relevance of schooling?

-Do Croatia's laws/regulations call for universal or compulsory education? Are these requirements enforced?

Primary education is mandatory. Parents must enroll their children to a primary school otherwise the law on elementary school education stipulates fines from HRK 60-300.

According to Croatia's center for research and development of education, the primary enrollment rate in 1998 was 95%. (up from 87.1% in 1996 and 82.3% in 1994, as reported by the USDOL).

E) Does Croatia have a comprehensive policy aimed at the elimination of the worst forms of child labor?

Indicators:

-Does Croatia have a comprehensive policy or national program of action on child labor?

Croatia has a national program of action for children, which also covers the issue of child labor. This program is currently being audited with the objective of ensuring operational implementation of the envisaged goals. In order to ensure better implementation of the goals set under the national action program on children, the Croatian government created the National Council for Children -- a group of state and local institutions that promote general children's rights issues.

-Has the government made a public statement/commitment to eradicate the worst forms of child labor?

No.

End post response.
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